

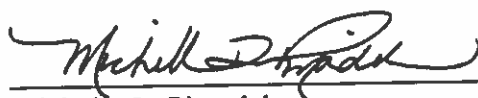
**DELEGATION OF AUTHORITY
CLEAN AIR ACT (CAA)**

Noncompliance Penalty: Assessment in the Absence of State Action

1. **AUTHORITY.** Pursuant to regulations promulgated under Section 120 of the Clean Air Act:
 - a. To assess and receive payment of a noncompliance penalty against every person described in the noncompliance penalty section of the CAA where the state has a delegation in effect but fails to assess or collect the penalty as required; and
 - b. To negotiate and sign consent agreements memorializing settlements between the Agency and respondents prior to the issuance of a notice of noncompliance.
2. **TO WHOM REDELEGATED.** To the Director, Office of Compliance and Enforcement, or equivalent.
3. **LIMITATIONS.**
 - a. Prior to exercising this authority, the office director must consult with the AA for OECA.
 - b. The AA for OECA may exercise these authorities in multi-regional cases or in cases of national significance.
 - c. The AA for OECA must notify the affected office director prior to exercising any of the above authorities.
 - d. The AA for OECA may waive, in writing, the consultation requirement.
 - e. The Agency official who signs the notice of noncompliance should sign the settlement agreement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the unit manager level, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSION.** This delegation supersedes R10 7-42 (05/28/2004) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
 - a. Section 120(a)(A) and (B) of the CAA.
 - b. EPA Delegation 7-42.

JUN 26 2017

Date



Michelle L. Pirzadeh
Acting Regional Administrator